

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM JOSEPH CUNNINGHAM,

Petitioner,

v.

WILLIAM STICKMAN, et al.,

Respondents.

Civil Action No. 04-119 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on June 17, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 15], filed on March 9, 2006, recommended that Petitioner's Petition be dismissed and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. Petitioner was subsequently granted two extensions of time to file objections [Doc. No. 16; Doc. No. 17]. Petitioner filed objections on April 21, 2006 [Doc. No. 18]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 24th day of April, 2006;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DISMISSED and a certificate of appealability is DENIED.

The Report and Recommendation [Doc. No. 15] of Magistrate Judge Baxter, filed on March 9, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record

Susan Paradise Baxter, U.S. Magistrate Judge